

TITLE 8 DEVELOPMENT CODE
DIVISION 5: OVERLAY DISTRICTS
CHAPTER 1: GENERAL PROVISIONS.
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85.0101 Intent.

(a) This chapter provides land use regulations as part of the Official Land Use Plan of the County of San Bernardino for the unincorporated areas of said County.

(b) Overlay districts are established to recognize and map environmental hazard constraints, environmental resource amenities, or community concerns which should be taken into consideration when land development is being proposed. Overlay districts establish regulations in addition to those imposed by the land use district. Overlay districts shall be designated where development within a land use district is affected by or would affect such environmental hazard constraints, environmental resource amenities or community concerns.

(c) When an overlay district is mapped over any land use district, the development standards used for that site shall be those as set forth in the overlay district and/or the land use district; whichever is more restrictive.

(d) The procedures for using overlay districts shall be outlined in this chapter.

(e) When appropriate, variances from standards set forth in the overlay districts may be granted.

Readopted Ordinance 3341 (1989)

85.0105 Purpose and Format.

(a) Overlay districts are established for the following purposes:

(1) To preserve and protect valuable resources of land, natural land formations and land uses which have been identified as needing such protection.

(2) To identify natural or man-made conditions which are a potential threat to public health and safety and to formulate requirements to mitigate such threats.

(b) Each overlay district section contains the following subsections: "Intent," "Locational Requirements," and "Development Standards." The "Intent" and "Locational Requirements" sections provide necessary information for locating overlay districts. The "Development Standards" section provides the necessary regulatory guidance for land uses within an overlay district that are in addition to those required by the applicable land use district.

Readopted Ordinance 3341 (1989)

85.0110 Overlay Designations.

(a) When an overlay district is established in conjunction with a land use district, it shall be designated on the appropriate overlay map or appropriate land use district map.

(b) The following symbols appear on the official land use or overlay maps to identify the various overlay districts:

<u>SYMBOLS</u>	<u>OVERLAY DISTRICT</u>
AA	Additional Agriculture
AP	Agricultural Preserve
AR1, AR2, AR3, AR4	Airport Safety
AH	Alternate Housing Standards
BR	Biotic Resources
CP	Cultural Resource Preservation
FS1, FS2, FS3	Fire Safety
FP1, FP2, FP3	Flood Plain Safety
GH	Geologic Hazard
HW	Hazardous Waste
MR	Mineral Resources
NH	Noise Hazard
PR	Paleontologic Resources
SR	Scenic Resource
SC	Sign Control

Readopted Ordinance 3341 (1989), Amended Ordinance 3918 (2004),

85.0115 Overlay District Application.

The regulations and development standards established by an overlay district shall be imposed in addition to those established by the underlying land use district, shall prevail when they are more restrictive, and shall overlay all land use districts on all parcels or portions thereof which are encompassed or circumscribed by one or more overlay districts. Land use districts may augment and strengthen the standards and provisions specified by an overlay district. Overlay districts may be added as a suffix or a series of suffixes to the primary land use district (eg. CG-SC), when designated on a land use district map. Each overlay district, however, is an independent, individual land use regulation, which is adopted or amended independent of the land use district.

(a) The boundaries of established districts are shown and delineated on the Land Use and Overlay District Maps entitled "Official Land Use Plan," as amended and as certified by the Clerk of the Board and on file with the Department of Land Management, which are hereby adopted as part of the Official Land Use Plan of San Bernardino County.

(b) Changes, additions, and amendments to the Official Land Use Plan shall be determined and defined from time to time by ordinance adopting "Sectional" land use district maps covering portions of San Bernardino County, each of which shall become, upon final adoption and certification by the Clerk of the Board, a part of the Official Land Use Plan for the County.

(c) Unless otherwise noted, land use and overlay district boundaries shall extend to street right-of-way centerlines.

Readopted Ordinance 3341 (1989)

85.0120 Implementation Review.

The following shall apply to all land use applications and development permits which are submitted for property within an overlay district:

The accepting authority shall require a Land Use Compliance Review where the review process for a land use application or development permit does not provide an adequate review or implementation mechanism to properly address the protection or preservation measures and standards specified by an overlay district.

Readopted Ordinance 3341 (1989)

85.0125 Uses Permitted.

The uses permitted on a parcel which has an overlay district shall be those uses allowed by the primary land use district subject to the provisions of all applicable overlay district provisions as well as those of this Title. Where the regulations or standards established by an overlay district conflict with provisions of a primary land use district or other provisions of this Title, the more stringent regulations or standards shall govern.

Readopted Ordinance 3341 (1989)

85.0130 Establishment and Change of an Overlay District.

The provisions of each section of this chapter shall provide the criteria for the establishment or change of the applicable overlay district boundary. Each overlay district is an individual land use designation that is a separate and independent designation from the primary land use district and remains with the property irrespective of the

underlying land use district unless specifically changed. A change in the primary underlying land use district does not change an overlay district designation.

Readopted Ordinance 3341 (1989)

85.0135 Overlay District Map Amendments.

The Board of Supervisors may act upon changes in classification of property regarding one or more adopted overlay district(s) and upon amendments to the text of the overlay districts at any time pursuant to the provisions of Division 3, Chapter 2 of this Title.

Readopted Ordinance 3341 (1989)

85.0140 District Boundary Uncertainties.

Where uncertainty exists as to the boundaries of any district shown on the overlay district maps, the following rules shall apply:

- (a) Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- (b) In unsubdivided property and where a district boundary divides a lot, the locations of such boundaries, unless indicated by dimensions, shall be determined by use of the scale appearing on the map.
- (c) Where any uncertainty exists, the Planning Commission shall determine the location of boundaries.
- (d) Where a public street or alley is officially vacated or abandoned, the regulations applicable to the property to which it reverts shall apply to such vacated or abandoned street or alley.

Readopted Ordinance 3341 (1989)

85.0145 Official Land Use Plan Relationship to Code.

The overlay district maps as part of the Official Land Use Plan, classifications and boundaries of overlay districts and all notations, references and other information shown thereon, after final adoption in the manner required by law, shall thereafter be as much a part of the Development Code as if all the matters and information set forth by said maps were fully described herein.